

DRAFT - TTT PROCLAMATION – SEPTEMBER 2003 - DRAFT

§65.101 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. All other words and terms shall have the meanings assigned by Parks and Wildlife Code.

- (1) Amendment--A specific alteration or revision of currently permitted activities, the effect of which does not constitute, as determined by the department, a new trapping, transporting and transplanting operation.
- (2) Certified Wildlife Trapper--An individual who receives a department-issued permit pursuant to this section.
- (3) Natural Habitat--The type of site where a game animal or game bird normally occurs and existing game populations are not dependent on manufactured feed or feeding devices for sustenance.
- (4) Nuisance Squirrel--A squirrel that is causing damage to personal property.
- (5) Overpopulation--A condition where the habitat is being detrimentally affected by high animal densities, or where such condition is imminent.
- (6) Permittee--Any person authorized by a permit to perform activities governed by this subchapter.
- (7) Processing facility--The specific destination of white-tailed deer trapped and transported pursuant to a permit to trap, transport, and process surplus white-tailed deer where deer will be processed for consumption.
- (8) Recruitment--The Fall survey estimate of the number of fawns (any deer less than one year of age) on a property.
- (9) Release Site--The specific destination of game animals or game birds to be relocated pursuant to a permit issued under this subchapter.
- (10) Stocking Policy--The policy governing stocking activities made or authorized by the department as specified in §§52.101-52.105, 52.201, 52.202, 52.301 and 52.401 of this title (relating to Stocking Policy).
- (11) Supervisory permittee--A person who supervises the activities of permittees authorized to conduct activities.
- (12) Trap Site--The specific source of game animals or game birds to be relocated pursuant to a permit issued under this subchapter.

§65.102 Limitation of Applicability

(a) Until this section is repealed, no permits to trap, transport, and transplant white-tailed deer or mule deer shall be issued by the department unless a sample of adult deer from the trap site equivalent to 10% of the number of deer to be transported has been tested and certified 100% negative for chronic wasting disease by the Texas Veterinary Medical Diagnostic Laboratory.

(1) The sample size shall be no more than 40 or less than ten animals.

(2) The test results required by this section shall be presented to the department prior to the transport of any deer.

(3) All deer released shall be marked in one ear with a department-assigned identification number.

(b) Nothing in this section authorizes the take of deer. The take of deer for the purposes of this section shall be in accordance with applicable laws and regulations.

(c) This section does not apply to deer possessed pursuant to a permit to trap, transport, and process white-tailed deer.

§65.103 Trap, Transport, and Transplant Permit

(a) For the purposes of this subchapter, the content of a wildlife stocking plan for a release site shall be the same as that required for a wildlife management plan under the provisions of §65.25 of this title (relating to Wildlife Management Plan). Applications may be approved without an inspection, provided:

(1) the release will not exceed a ratio of one white-tailed deer per 200 acres at the release site; however, when the accumulated releases on a tract result in a ratio of one deer to 200 acres, no further releases shall take place unless a site inspection has been performed by the department; or

(2) the property has been issued Level III MLD permits within the three years immediately preceding the release, is in compliance with all requirements of the wildlife management plan for the property and the activities involve only doe deer; and

(A) the number of doe deer to be trapped is not greater than the number of unused antlerless MLD permits from the hunting season coinciding with the current trapping period;

(B) the number of doe deer to be released does not cause the total population of deer on the release site to exceed the total population size specified in a management plan under the provisions of §65.25 of this title; and

(C) the harvest quota under §65.26 of this title (relating to Managed Lands Deer Permits) for the release site would not result in a population reduction of greater than 50% of recruitment below the total population size specified under the provisions of §65.25 of this title.

(b) Applications received by the department between September 1 and November 15 in a calendar year shall be approved or denied within 45 days of receipt.

(c) The department may deny a permit application if the department determines that:

(1) the removal of game animals or game birds from the trap site may be detrimental to existing populations or systems;

(2) the removal of game animals or game birds may detrimentally affect the population status on neighboring properties;

(3) the release of game animals or game birds at the release site may be detrimental to existing populations or systems;

(4) the release site is outside of the suitable range of the game animal or game bird;

(5) the applicant has misrepresented information on the application or associated wildlife stocking plan;

(6) the activity identified in the permit application does not comply with the provisions of the department's stocking policy; or

(7) the trapping activity would involve deer held under a Deer Management Permit.

(d) A buck deer transported under the provisions of this subchapter shall have its antlers removed prior to transport, unless:

(1) the transport takes place between February 10 and March 31 of a calendar year; or

(2) the trap site and the release site are owned by the same person. The sites shall be contiguous, but may be separated by a water body or public roadway.

(e) The department may establish trapping periods, based on biological criteria, when the trapping, transporting, and transplanting of game animals and game birds under this section by individuals will be permitted.

(f) The department may, at its discretion, require the applicant to supply additional information concerning the proposed trapping, transporting, and transplanting activity when deemed necessary to carry out the purposes of this subchapter.

(g) Game animals and game birds killed in the process of conducting permitted activities shall count as part of the total number of game animals or game birds authorized by the permit to be trapped.

§65.104. Trap, Transport, and Process Surplus White-tailed Deer Permit.

(a) All deer trapped and transported pursuant to this section shall be delivered to a processing facility selected by the applicant and approved by the department. Acceptable processing facilities are:

- (1) Texas Department of Criminal Justice penal facilities located in Palestine and Amarillo;
- (2) other government-sanctioned penal facilities in the state of Texas;
- (3) independent facilities in the state of Texas inspected for food safety by the Texas Department of Health; and
- (4) any other processing facility approved by the department.

(b) All carcasses shall be utilized, either by a penal facility, or by donation to a department-approved charitable organization.

(c) Deer may be euthanized at either the trap site or the processing facility. If deer are euthanized at the trap site, carcasses must be maintained in edible condition.

(d) The permittee is responsible for establishing an acceptable schedule for delivery of deer with the processing facility. However, transport of live, trapped deer shall begin within 18 hours of trapping.

(e) The applicant shall specify whether a trap site is the entire political subdivision or property owners' association, or one or more individual tracts within the boundaries of the political subdivision or property owners' association. If the trap site is an individual tract, it must be identified on the permit application.

(f) The department may, at its discretion, require the applicant to supply additional information concerning the proposed trapping, transporting, and processing activity when deemed necessary to carry out the purposes of this subchapter.

§65.105 Urban White-Tailed Deer Removal Permit

(a) Urban white-tailed deer removal permits may only be issued when the applicant shows, to the department's satisfaction, that:

- (1) an overpopulation of deer exists at the trap site;

(2) hunting is inadequate, because of human health and safety concerns, to reduce the overpopulation;

(3) the release site identified by the applicant consists of natural habitat;

(4) the addition of white-tailed deer to the release site will not result in immediate overpopulation; and

(5) the transplanted deer will be subject to lawful hunting.

(b) The department may establish trapping periods, based on biological criteria, when the trapping, transporting and transplanting of white-tailed deer under this section by private individuals will be permitted.

(c) The department may, at its discretion, require the applicant to supply additional information concerning the proposed trapping, transporting, and transplanting activity when deemed necessary to carry out the purposes of this subchapter.

§65.107 Permit Applications and Fees

(a) Permit applications.

(1) Application for permits authorized under this subchapter shall be on a form prescribed by the department.

(2) A single application for a Trap, Transport, and Transplant Permit or an Urban White-tailed Removal Permit may specify multiple trap and/or release sites. A single application for a Trap, Transport, and Process Surplus White-tailed Deer Permit may specify multiple trap sites and/or processing facilities.

(3) A single application may not specify multiple species of game birds and/or game animals.

(4) The application must be signed by:

(A) the applicant;

(B) the landowner or agent of the trap site(s); and

(C) the landowner or agent of the release site(s) or the owner or agent of the processing facility or facilities .

(5) The applicant may designate certain persons and/or companies that will be involved in the permitted activities, including direct handling, transport and release of game animals or game birds. In the absence of the permittee, at least one of the named persons and/or companies shall be present during the permitted activities.

(b) Appeals. An applicant for a permit under this subchapter may appeal the decisions of the department concerning the stipulations of a permit. All appeals involving the provisions of paragraphs (1) and (2) of this subsection shall be resolved within 10 working days of notification of the department by the person making the appeal.

(1) An applicant seeking to appeal the decisions of the department with respect to permit issuance under this subchapter shall first contact the immediate in-line supervisor of the TPW employee responsible for authorizing the permitted activities.

(2) If the determination of the immediate in-line supervisor is unsatisfactory to the applicant, the applicant is entitled to have the appeal presented to an appeals panel. The decision of the appeals panel is final. The appeals panel shall consist of the following:

(A) the Director of the Wildlife Division;

(B) the Regional Director and District Leader with jurisdiction; and

(C) the White-tailed Deer Program Leader and the Game Branch Chief.

(3) If the determination of the panel is unsatisfactory to the applicant, the applicant is entitled to have the appeal presented to the Private Lands Advisory Board and the Hunting Advisory Board for the purpose of determining if regulatory revision is appropriate.

(c) Permit fees.

(1) The department shall charge a nonrefundable application processing fee of \$150 for permits authorized pursuant to this subchapter.

(2) The department shall charge a nonrefundable application processing fee of \$25 for amendments to existing permits.

(3) The department will not process any permit application unless the application fee has been received by the department.

(4) Applications to trap, transport, and transplant nuisance squirrels are exempt from application fees.

(5) Applications for urban white-tailed deer removal permits that specify trap sites consisting solely of property owned by a political subdivision or institution of higher education of this state are exempt from application fees.

(6) Applications to trap, transport, and process surplus white-tailed deer are exempt from application fees.

§65.109 Issuance of Permit

Permits authorized under this subchapter:

- (1) will be issued , with the exception of permits to trap, transport, and process surplus white-tailed deer, only if the activities identified in the application are determined by the department to be in accordance with the department's stocking policy;
- (2) will be issued only if the application and any associated materials are approved by a Wildlife Division technician or biologist assigned to write wildlife management plans;
- (3) shall not be issued to individuals who are not in compliance with the reporting requirements specified in §65.115 of this title (relating to Reports);
- (4) shall not be issued to applicants who have been finally convicted, during the two-year period immediately preceding the date of application, of any violation of the provisions of this subchapter; and
- (5) do not exempt an applicant from the requirements of §§55.142-55.152 of this title (relating to Aerial Management of Wildlife and Exotic Animals).

§65.111 Permit Conditions and Period of Validity

- (a) A permittee may distribute the cost of permitted activities by entering into cost-sharing agreements with other parties involved, but such cost-sharing arrangements shall not violate the provisions of §65.117 of this title (relating to Prohibited Acts).
- (b) If it is determined by the department that any condition listed on the permit has been violated, the department may suspend the permit after notifying the supervisory permittee that a violation has occurred. All contested cases shall be conducted pursuant to the provisions of Government Code, Chapter 2001.
- (c) With the exception of permits to trap, transport, and process surplus white-tailed deer where deer at the trap site pose a threat to human health and safety, permits issued pursuant to this subchapter shall expire at the end of the specified trapping period for that species. The maximum period of validity for a permit issued under this subchapter shall not exceed one year.
- (d) Unattended trapping equipment and devices at trap sites within incorporated areas shall be labeled with the owner's name, complete address, and telephone number; the date of trap site establishment; and the date the trap site was last visited.
- (e) Unattended trap sites that may pose a human health and safety hazard shall be clearly marked as such.

§65.113 Marking of Game Animals and Game Birds

To facilitate later field recognition, the permittee may place suitable ear tags on trapped game animals or suitable patagial tags and/or leg bands on trapped game birds. Game animals and game birds may not be otherwise marked unless specifically authorized by the department.

§65.115 Notification, Recordkeeping, and Reporting Requirements

(a) No person shall trap, transport, or release a game animal or game bird under a permit authorized by this subchapter unless that person has notified the department not less than 24 hours nor more than 48 hours prior to each instance of trapping, transportation, or release. Notification shall be by fax or telephone contact with the Law Enforcement Communications Center in Austin, and shall consist of:

- (1) in the case of trapping or transport, the supervisory permittee's name, permit number, and the date(s) that the trapping or transport will occur; and
- (2) in the case of release, the date, time, and specific location of the release.

(b) A supervisory permittee shall maintain, keep current, and furnish upon request by a department employee acting within the scope of official duties a daily log containing:

- (1) the number of game animals or game birds trapped;
- (2) the sex of game animals or game birds trapped;
- (3) the locations where game animals or game birds were trapped and released or processed;
- (4) the dates when trapping occurred;
- (5) the trapping methods used;
- (6) any mortality incurred during the permitted activity and the disposition of carcasses; and
- (7) the completed financial disclosure forms required by subsection (d) of this section.

(c) The supervisory permittee shall file a report on a form provided by the department not later than 30 days following the expiration date of the permit. The report shall include, at a minimum:

- (1) the number of game animals or game birds trapped;
- (2) the sex of game animals or game birds trapped;
- (3) the locations where game animals or game birds were trapped and released or processed;

- (4) the dates when trapping occurred;
- (5) the trapping methods used;
- (6) any mortality incurred during the permitted activity and the disposition of carcasses;
and
- (7) the completed financial disclosure forms required by subsection (d) of this section.

(d) Upon the completion of trapping activities authorized by a permit under this subchapter, the supervisory permittee shall complete and sign a department-supplied financial disclosure form. The form shall also be signed by the landowner of the trap site (or a full-time employee of the landowner who is authorized to act on the landowner's behalf) prior to the transport of any game animal or game bird. Upon the release or delivery to a processing facility of the game animals or game birds, the form shall be signed by the owner of the release site or processing facility (or a full-time employee of the landowner who is authorized to act on the landowner's behalf or an authorized representative of the processing facility). In the instance that a permit authorizes multiple release sites or processing facilities, a separate department-supplied financial disclosure form shall be required for each trap site/release site or processing facility combination. The form shall be supplied by the department to the supervisory permittee and shall be retained as provided by subsection (b) of this section.

(e) All game animals or game birds that die as a result or in the course of activities conducted under a permit issued under authority of this subchapter shall be kept in an edible condition until disposed of by one of the following methods:

- (1) documented donation to charitable organizations, public hospitals, orphanages, or indigent persons;
- (2) documented transfer or donation to other persons authorized to receive such specimens under a license or permit issued by the department; or
- (3) special disposition as prescribed in writing by the department.

§65.116 Nuisance Squirrels

No permit or report is required for a landowner or his/her agent to live trap, transport, and release nuisance squirrels if:

- (1) local ordinances prohibit the use of means and methods provided by §65.11 of this title (relating to Means and Methods);
- (2) written permission from the owner of the property where squirrels are to be released:
 - (A) has been obtained prior to transport and release; and

- (B) is carried while transporting squirrels;
- (3) trapping devices are:
 - (A) designed to not inflict physical injury to trapped squirrels; and
 - (B) labeled with the owner's name, street address, city, and telephone number;
- (4) reasonable precautions are made to assure the humane treatment of trapped squirrels; and
- (5) trapped squirrels are released no later than 24 hours after capture.

§65.117 Prohibited Acts

(a) A person commits an offense if that person:

- (1) traps game birds or game animals at any location other than the trap site(s) specified on the permit;
- (2) releases game birds or game animals at any location other than the release site(s) specified on the permit or delivers deer to a location other than a processing facility specified on the permit ;
- (3) violates any of the conditions listed on the permit;
- (4) does not take reasonable precautions to maximize the humane treatment of and to minimize the stress on trapped game animals or game birds;
- (5) does not take reasonable precautions to minimize human health and safety risks during all aspects of permitted trapping, transporting, and transplanting operations; or
- (6) except for inedible parts of white-tailed deer carcasses obtained pursuant to a Trap, Transport, and Process Surplus White-tailed Deer Permit, sells, barter, or otherwise exchanges or accepts anything of value for a game animal or game bird obtained under a permit issued under this subchapter.

(b) Game animals or game birds being transported under a permit authorized by this subchapter shall not be removed from the transport vehicle prior to arrival at the release site unless such removal is immediately necessary to maintain the health of the game animals or game birds. If such removal is necessary, transport activities must resume within 24 hours.

(c) Except as provided by Parks and Wildlife Code, Chapter 43, or §65.610(i) of this title (relating to Transport of Deer and Transport Permit), no person may possess, transport, or cause the transportation of deer in a trailer or vehicle unless the trailer or vehicle exhibits an applicable inscription, as specified in this subsection, on the rear surface of the trailer or vehicle. The inscription shall read from left to right and shall be plainly visible at all times while possessing or transporting deer upon a public roadway. The inscription shall be attached to or painted on the trailer or vehicle in block, capital letters, each of which shall be of no less than six inches in height and three inches in width, in a color that contrasts with the color of the trailer or vehicle. For a Trap, Transport, and Transplant Permit or an Urban White-tailed Deer Removal Permit, the inscription shall be "TTT". For a Trap, Transport, and Process Surplus White-tailed Deer Permit, the inscription shall be "TTP".

§65.119 Penalties

A person who violates a provision of this subchapter, a condition of any permit issued pursuant to this subchapter, or any provision of Parks and Wildlife Code, Chapter 43, Subchapter E, commits an offense and is subject to the penalties prescribed by Parks and Wildlife Code, §12.405.



TEXAS PARKS & WILDLIFE DEPARTMENT TRAP, TRANSPORT, AND TRANSPLANT APPLICATION PACKAGE - 2003-2004

(Valid for White-Tailed Deer Only)

APPLICATION INSTRUCTIONS

This application package contains:

- (1) Applicant Information
- (2) Permit Application
- (3) Trap Site Information Form(s)
- (4) Release Site Information Form(s)
- (5) Level 3 MLD Trap & Release Site Form(s)
- (6) Wildlife Management Plan form & Guidelines

Level 3 MLD Trap and Release Site Forms are to be used only for sites that have been issued Level 3 Managed Lands Deer Permits within the last three years, are in compliance with all provisions of their approved Wildlife Management Plan, and are requesting the authority to, without additional on-site inspection, trap and/or release limited quantities* of does only. All other sites must use the regular Trap Site Forms and Release Site Forms.

An approved TPWD Wildlife Management Plan (WMP) is required for all release sites. Wildlife Management Plans can be prepared by landowners, their agents, professional biologists, or TPWD personnel (as time allows). **The WMP must be approved by Wildlife Division field staff prior to submitting your application.** Release sites will be inspected by TPWD prior to permit issuance to determine if the native range on the release site can support additional deer. Exceptions to on-site inspection will be granted if (1) the cumulative stocking rate for a release site is less than or equal to one deer per 200 acres, or (2) the release site falls under Level 3 MLD regulatory specifications*.

Chronic Wasting Disease (CWD) samples, collected from adult white-tailed deer taken during the 2003-2004 hunting season, must be submitted to and tested by the Texas Veterinary Medical Diagnostic Laboratory (TVMDL). Ten percent of the number of animals requested to be relocated (minimum of 10, maximum of 40) must be sampled and tested. Copies of test result sheets, received from TVMDL, must be submitted to TPWD with your application. Result sheets must indicate that samples were both valid and negative. TPWD suggests that prospective trap sites work with their local veterinarian to collect and submit appropriate samples to TVMDL.

Trap Site Forms and Release Site Forms may be approved by authorized TPWD Wildlife Division Biologists and Technicians in the field and prior to submission. Alternatively, unapproved Trap Site Forms and Release Site Forms may be submitted along with your application for processing. Having your Trap Site Form(s) and/or Release Site Form(s) approved in the field may reduce overall application processing time.

A completed application will include:

- (1) Permit Application
- (2) One or more Trap Site Forms
- (3) One or more Release Site Forms
- (4) Copies of Trap Site CWD test results
- (5) Application processing fee of \$180

Do not include a copy of your Wildlife Management Plan with your application.

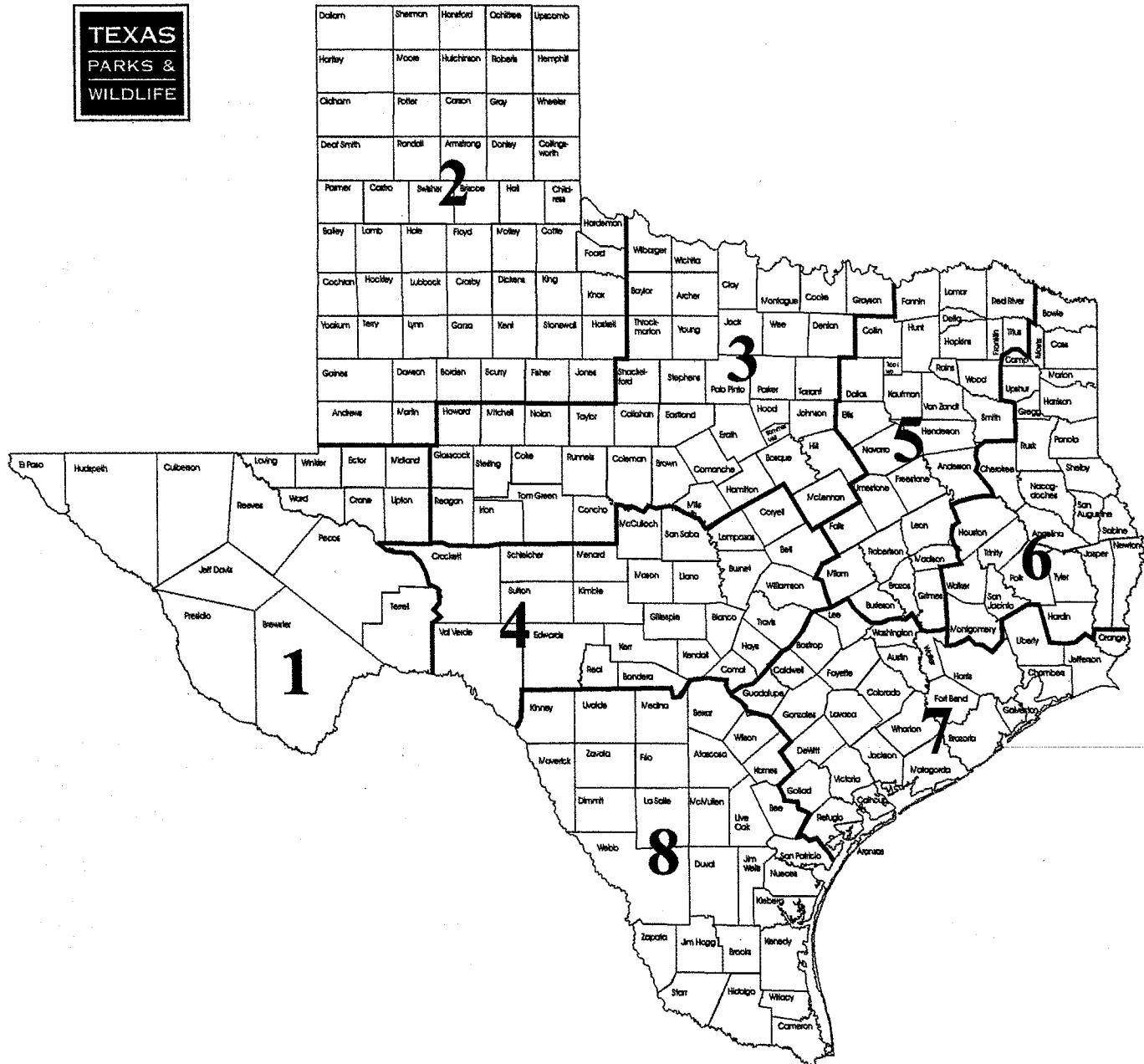
Send completed application packages to:

Texas Parks and Wildlife Department
Big Game Program
4200 Smith School Road
Austin, TX 78744

* Specific Guidelines for Level 3 MLD properties who are requesting authority to trap and/or release does without additional on-site inspection:

- (1) Must have been issued Level 3 MLD permits within the last three years.
- (2) Must be in compliance with all provisions of their approved TPWD Wildlife Management Plan.
- (3) Trapping and/or release activities involve does only.
- (4) Number of does to be trapped cannot exceed the number of unused antlerless permits from the 2003-2004 hunting season.
- (5) Number of does released cannot cause your population to exceed the population goal specified in your approved WMP.
- (6) Removal of deer, through harvest and/or trapping during the 2003-2004 season, cannot have reduced your population to more than 50% of recruitment (fall fawn crop, as indexed in your fall survey) below the population goal specified in your approved WMP.

Wildlife Division Districts and District Leaders



District 1:
Mike Hobson
 109 S. Cockrell St.
 Alpine, TX 79830
 (915) 837-2051

District 2:
Danny Swepston
 P.O. Box 659
 Canyon, TX 79015
 (806) 655-3782

District 3:
Kevin Mote
 301 Main, Suite D
 Brownwood, TX 76801
 (915) 643-5977

District 4:
Max Traweek
 309 Sidney Baker South
 Kerrville, TX 78028
 (830) 896-2500

District 5:
Nathan Garner
 11942 FM 848
 Tyler, TX 75707
 (903) 566-1626

District 6:
Gary Calkins
 1342 South Wheeler
 Jasper, TX 75951
 (409) 384-6894

District 7:
Bob Carroll
 111 E. Travis
 La Grange, TX 78945
 (979) 968-6591

District 8:
Joe G. Herrera
 1607 2nd Street
 Pleasanton, TX 78064
 (830) 569-8700



TRAP, TRANSPORT, AND TRANSPLANT PERMIT WHITE-TAILED DEER APPLICANT INFORMATION - 2003-2004

This information page contains a summary of current Texas Parks and Wildlife Department (TPWD) regulations concerning permits to Trap, Transport, and Transplant Game Animals and Game Birds as they pertain to white-tailed deer.

PURPOSE OF THE PERMIT Permits to trap, transport, and transplant white-tailed deer may be issued to individuals for the purposes of wildlife management.

TRAPPING METHODS The majority of relocation operations will utilize one of the following trapping methods: (1) net gunning animals from a helicopter; (2) use of a helicopter to herd animals into a stationary drive net; or (3) use of a stationary drop net. Aircraft, if used, must be permitted through Texas Parks and Wildlife Department, and a Landowner Authorization must be on file with the department.

CONDITIONS FOR PERMIT ISSUANCE All proposed release sites must have a current Texas Parks and Wildlife Department Wildlife Management Plan approved by an authorized Wildlife Division Biologist/Technician. Applications will be denied if the proposed activity may detrimentally affect the population status on adjacent properties, if the proposed activities may detrimentally affect the resource, or if the proposed release site is outside of the suitable range of white-tailed deer. All proposed relocation operations must comply with the Texas Parks and Wildlife Commission's Stocking Policy, which stipulates that prospective release sites shall have suitable natural habitat capable of sustaining the animals stocked. In addition, Chronic Wasting Disease (CWD) surveillance is required of all prospective trap sites. CWD test results must be received by TPWD prior to permit issuance.

PERMIT CONDITIONS White-tailed deer may only be relocated between October 1 and March 31. All persons named on a permit are permittees, and are therefore responsible for all activities conducted under the authority of the permit. At least one permittee must be present during each phase of a relocation operation. The Supervisory permittee (permit applicant) must contact the Texas Parks and Wildlife Department Law Enforcement Communications Center at (512) 389-4848 between 24 and 48 hours prior to each attempt to trap, transport, and release deer. Antlers must be removed from all male deer relocated prior to February 10. Each trailer or other vehicle used to transport deer must be marked on the rear surface with the inscription "TTT". Permittees must make reasonable efforts to ensure safe and humane handling of trapped animals and to reduce human health and safety hazards in every stage of a relocation operation. Trap sites within incorporated areas and those which may pose a human health and safety hazard must be marked as such. Relocated white-tailed deer may be marked for later recognition with appropriate ear tags. White-tailed deer may not be sold, bartered, or otherwise exchanged for anything of value. White-tailed deer may not be relocated into breeding facilities, temporary detention pens, or any other release site not specifically identified on the permit. Additional conditions may be specified on the permit. Relocation operations should only be attempted by those with the expertise to safely and efficiently conduct the operation.

TRAP & RELEASE SITE INFORMATION FORMS For each ranch where animals are to be trapped or released, the applicant must submit an appropriate Site Information Form. If a trap or release site is a high-fenced pasture within a ranch, the information submitted must be specific to that pasture. The information submitted will be used by Texas Parks and Wildlife Department to assess the current status of habitat, wildlife resources, and potential competition on ranches proposed for removal/addition of white-tailed deer.

TRAP SITE CHRONIC WASTING DISEASE TESTING Chronic Wasting Disease (CWD) samples, collected from adult white-tailed deer taken during the 2003-2004 hunting season, must be submitted to and tested by the Texas Veterinary Medical Diagnostic Laboratory (TVMDL). Ten percent of the number of animals requested to be relocated (minimum of 10, maximum of 40) must be sampled and tested. Copies of test result sheets, received from TVMDL, must be submitted to TPWD with your application. Result sheets must indicate that samples were both valid and negative. TPWD suggests that prospective trap sites work with their local veterinarian to collect and submit appropriate samples to TVMDL.

(Applicant Information Continued on Reverse Side)

**TRAP, TRANSPORT, AND TRANSPLANT PERMIT
WHITE-TAILED DEER
APPLICANT INFORMATION - 2003-2004
(Continued)**

RELEASE SITE WILDLIFE MANAGEMENT PLAN An approved Texas Parks and Wildlife Department Wildlife Management Plan must be approved and on file for each proposed release site. Landowners can prepare their own plan, or seek professional assistance. Wildlife Management Plan guidelines are attached. Contact the Wildlife Division District Leader representing the release site county for further information (District Leader contact information is contained in this information package).

RELEASE SITE INSPECTION Each Release site will be inspected by Texas Parks and Wildlife Department to determine if the native habitat is capable of sustaining additional deer. If the proposed stocking rate on a release site is less than or equal to one deer per 200 acres, the on-site inspection will be waived on a one-time basis. If the release site is operating under the provisions of Level 3 Managed Lands Deer Permits, trapping/release of does only on a limited basis may be approved without an on-site inspection. Please contact the biologist/technician who approved your Wildlife Management Plan for details.

FEES AND AMENDMENTS The application processing fee for a Trap, Transport, and Transplant permit is \$180. The processing fee for amending an existing permit (adding trap/release sites, etc.) is \$30. **Application processing fees are not refundable.**

REPORTS AND FINANCIAL DISCLOSURE A daily log of permitted activities must be maintained by the Supervisory Permittee. This log must be made available to Game Wardens upon request. A financial disclosure statement must be completed and signed by the owner (or full-time employee) of the trap site, the trapper, and the owner (or full-time employee) of the release site for each trap site/release site combination each time deer are transported. This statement must accompany each shipment of deer. An activity report which summarizes the relocation operation must be submitted, along with all financial disclosure statements, within 30 days following permit expiration.

THE APPLICATION PROCESS An applicant for a Trap, Transport, and Transplant permit must follow these steps: (1) complete and sign the application; (2) complete a Trap Site Information Form for each specific location where deer will be trapped (each form must be signed by the landowner or landowner's agent); (3) complete a Release Site Information Form for each specific location where deer will be released (each form must be signed by the landowner or landowner's agent), **an approved Texas Parks and Wildlife Department Wildlife Management Plan must be on file for each release site** (Release Site and Trap Site forms may be approved in the field, contact your biologist/technician for details); (4) complete CWD testing at each location where deer will be trapped; (5) submit all forms, including copies of CWD test results, and the application processing fee to Texas Parks and Wildlife Department. Complete applications received by November 15 are guaranteed to be processed within 45 days. Note: A complete application for relocating deer from one ranch to another ranch (or from one pasture to another pasture on the same ranch) will include the following: **one Trap, Transport, and Transplant Permit Application; one Trap Site Information Form; one Release Site Information Form; and the Application Processing Fee of \$180.** For each additional ranch involved (Trap Site or Release Site), submit the appropriate Site Information Form.

FOR MORE INFORMATION If you have additional questions regarding permits to Trap, Transport, and Transplant Game Animals and Game Birds, please contact Texas Parks and Wildlife Department at 1-800-792-1112 (An electronic menu system will answer the 800 phone line. Within the menu system, select Menu 5 (Wildlife), Choice 1 (Wildlife Information)).



**TEXAS PARKS & WILDLIFE DEPARTMENT
TRAP, TRANSPORT, AND TRANSPLANT
PERMIT APPLICATION - 2003-2004**

(Valid for White-Tailed Deer Only)

1. APPLICANT INFORMATION

Applicant Name: _____
* Social Security No.: _____
Driver's License No.: _____
Ranch/Business: _____
Address: _____
City, State, Zip: _____

Telephone
Home: () _____
Ranch: () _____
Business: () _____
Mobile: () _____
Fax: () _____

2. TRAP & RELEASE SITE INFORMATION

Number of ranches (sites) where deer will be trapped: _____

Are any trap sites within incorporated areas? Yes No

Number of ranches (sites) where deer will be released: _____

Number of deer to be relocated: Total: _____

Bucks: _____

Does: _____

3. TRAPPING METHODS

The following trapping methods will be used:

Net Gun/Helicopter ☐

Drive Net/Helicopter ☐

Drop Net ☐

Other ☐

Specify: _____

Helicopter (if used) is:

Privately Owned ☐

Commercial ☐

Owner/Company Name: _____

City, State: _____

Phone: _____

Deer will be transported by:

Truck/Trailer ☐

Other ☐

Specify: _____

4. EXPERIENCE/QUALIFICATIONS Briefly describe the permittee's (and helicopter company's, if applicable) experience with trapping, handling, and relocating white-tailed deer.

* State law requires that applicants provide their Social Security number on all permit applications. Texas Parks and Wildlife Department may only release this information to agencies operating under the provisions of Parts A and D of Title IV of the federal Social Security Act (42 U.S.C. Sections 601-617 and 651-699).

(Application Continued on Reverse Side)

2003-2004 TRAP, TRANSPORT, AND TRANSPLANT PERMIT APPLICATION (Continued)

5. ADDITIONAL PERMITTEES List the names and telephone numbers of all individuals and/or companies that will be authorized to conduct trapping, transporting, and transplanting activities. The Supervisory Permittee (permit applicant), or at least one individual named below must be present during all permitted activities. All permittees are responsible for activities conducted under the authority of the permit. Attach additional sheet if necessary.

Name	Telephone	Name	Telephone
_____	() _____	_____	() _____
_____	() _____	_____	() _____
_____	() _____	_____	() _____
_____	() _____	_____	() _____
_____	() _____	_____	() _____

6. TRAP SITE INFORMATION FORM(S) Attach a completed Trap Site Information Form (or Level 3 MLD Trap & Release form) for each ranch (site) where deer will be trapped. If deer will be trapped from more than one pasture within a ranch, a separate Trap Site Information Form must be submitted for each pasture. Each of these forms must be signed by the landowner or an agent specifically designated by the landowner.

7. CHRONIC WASTING DISEASE TEST RESULTS Attach copies of trap site CWD test results received from the Texas Veterinary Medical Diagnostic Laboratory (TVMDL).

8. RELEASE SITE INFORMATION FORM(S) Attach a completed Release Site Information Form (or Level 3 MLD Trap & Release form) for each ranch (site) where deer will be released. If deer will be released into more than one pasture within a ranch, a separate Release Site Information Form must be submitted for each pasture. Each of these forms must be signed by the landowner or an agent specifically designated by the landowner.

9. RELEASE SITE WILDLIFE MANAGEMENT PLAN An approved Texas Parks and Wildlife Department Wildlife Management Plan must be on file for each release site. Release site Wildlife Management Plans must be approved by an authorized Wildlife Division Biologist or Technician prior to application for a Trap, Transport, and Transplant permit. Do not submit copies of Wildlife Management Plans with this permit application.

10. APPLICATION PROCESSING FEE Include a check or money order for \$180 made payable to Texas Parks and Wildlife Department. This application processing fee is not refundable.

11. APPLICANT CERTIFICATION

The information provided on this application and any supplemental materials is true and correct. I understand that falsifying information on this application or supplemental materials will be cause for permit denial or revocation. I also agree that if a Trap, Transport, and Transplant permit is issued pursuant to this application I will abide by all Texas Parks and Wildlife Department Regulations, and all conditions specifically listed on the permit. I understand that deer captured and/or released pursuant to Texas Parks and Wildlife Department Regulations may not be sold or bartered. I further understand that all individuals and/or companies named on this application and supplemental materials will be fully responsible for the disposition of all deer captured until they are released onto their approved release site.

Applicant Name (Print): _____

Applicant Signature: _____

Date: _____

12. MAIL COMPLETED APPLICATION AND ASSOCIATED MATERIALS TO:

Texas Parks and Wildlife Department
Big Game Program
4200 Smith School Road
Austin, TX 78744

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED



TEXAS PARKS & WILDLIFE DEPARTMENT
TRAP SITE INFORMATION FORM - 2003-2004
(Supplement to Application for Trap, Transport, and Transplant Permit)

INSTRUCTIONS A copy of this form (or a Level 3 MLD Trap Site Form) must be completed for each ranch where white-tailed deer are to be trapped. If deer will be trapped from a specific pasture within the ranch, pasture information (Section 3, below) **MUST** be provided. If deer will be trapped from more than one pasture, a copy of this form must be submitted for each separate pasture. Completed forms must be submitted with the Trap, Transport, and Transplant Permit Application. Several questions on this form refer to "ranch/pasture." If the trap site is a specific pasture, include information only for that specific pasture. If the trap site is the entire ranch, include information for the entire ranch.

1. RANCH INFORMATION

Ranch Name: _____ Nearest City/Town: _____
Total acreage: _____ Direction from Town: _____
Majority County: _____ Miles from Town: _____
Additional Counties: _____ On Highway/Road: _____
Is This Ranch Surrounded by a High Fence? Yes No Circle One

2. RANCH OWNERSHIP INFORMATION

Owner Name: _____ Telephone: _____
Address: _____ Home: () _____
City, State, Zip: _____ Business: () _____
Ranch: () _____

3. PASTURE INFORMATION (Complete this section if deer will be trapped from a specific pasture)

Pasture Name: _____
Pasture Acreage: _____
Location within Ranch: _____

Is This Pasture Surrounded by a High Fence? Yes No Circle One

4. HABITAT INFORMATION Describe the type of vegetation found on this ranch/pasture (e.g. mesquite, mixed brush, oak forest, etc.).

5. HABITAT MANAGEMENT Describe management practices that have been applied to this ranch/pasture, when they were applied, and how many acres were involved in each practice (e.g. root plowing, roto-chopping, prescribed burning, food plots, etc.).

6. HARVEST HISTORY Enter the number of deer harvested on this ranch/pasture during the last three seasons. Include the number of deer taken so far this year.

	2 years ago	last year	this season
Bucks:	_____	_____	_____
Antlerless:	_____	_____	_____

(Trap Site Information Form Continued on Reverse Side)

2003-2004 Trap Site Information Form (Continued)

7. POPULATION MANAGEMENT What management practices have been applied to the deer herd on this ranch/pasture and when were they applied (e.g. sport hunting, selective harvest, control permit, trapping, etc.)

8. POPULATION SUMMARY List information for the specific ranch where deer are to be trapped. If trapping will be conducted in a specific pasture, list information specific to that pasture.

White-tailed deer density estimate: _____ acres per deer

Adult Sex Ratio: _____ does per buck

Fawn to Doe Ratio: _____ fawns per doe

When were these estimates obtained? (Specific date): _____

How were these estimates obtained? (Helicopter, spotlight, etc.): _____

Have any deer been removed or added since these estimates?: _____

If so, how many? (Include hunting): _____

9. LIVESTOCK How many domestic livestock (e.g. Cattle, sheep, goats, etc.) are grazing this ranch/pasture? What grazing system is used (continuous, rotational, etc.)?

10. EXOTICS Are exotics kept on this ranch/pasture? If so, what species and how many of each species (e.g. Axis Deer, Sika Deer, Blackbuck Antelope, etc.)?

11. WHITE-TAILED DEER TRAPPING INFORMATION

Number of deer to be trapped from this ranch/pasture:

Total: _____ Bucks: _____ Does: _____

What ranch (or ranches) will receive these deer? If more than one ranch is to receive these deer, how many will go to each ranch?

12. CHRONIC WASTING DISEASE TESTING Chronic Wasting Disease (CWD) samples, collected from adult white-tailed deer taken during the 2003-2004 hunting season, must be submitted to and tested by the Texas Veterinary Medical Diagnostic Laboratory (TVMDL). Ten percent of the number of animals requested to be relocated (minimum of 10, maximum of 40) must be sampled and tested. Copies of test result sheets, received from TVMDL, must be submitted to TPWD with your application. Result sheets must indicate that samples were both valid and negative. TPWD suggests that prospective trap sites work with their local veterinarian to collect and submit appropriate samples to TVMDL.

13. OPTIONAL FIELD APPROVAL This form can be approved by authorized TPWD Wildlife Division field staff, or it may be forwarded to Austin headquarters for processing. Field approval may decrease application processing time. I approve the trapping activities specified in this application.

Field Staff Name: _____ Signature: _____

Title: _____ Date: _____

14. LANDOWNER/AGENT CERTIFICATION

By my signature, I certify that I am the landowner of the above described property or a specifically authorized agent for the landowner. I also certify that the above information is true and correct, and that I authorize the removal of white-tailed deer from my property. I understand that falsifying information on this form will be cause for permit denial or revocation. I also understand that white-tailed deer captured pursuant to Texas Parks and Wildlife Department Regulations may not be sold or bartered; and that I am responsible for activities conducted under the authority of the permit.

Signature: _____ Owner/Agent Date: _____



TEXAS PARKS & WILDLIFE DEPARTMENT
RELEASE SITE INFORMATION FORM - 2003-2004
(Supplement to Application for Trap, Transport, and Transplant Permit)

INSTRUCTIONS A copy of this form (or a Level 3 MLD Release Site Form) must be completed for each ranch where white-tailed deer are to be released. If deer will be released into a specific pasture within the ranch, pasture information (Section 3, below) **MUST** be provided. If deer will be released into more than one pasture, a copy of this form must be submitted for each separate pasture. Completed forms must be submitted with the Trap, Transport, and Transplant Permit Application. Several questions on this form refer to "ranch/pasture." If the release site is a specific pasture, include information only for that specific pasture. If the release site is the entire ranch, include information for the entire ranch. Do not submit a copy of your approved Wildlife Management Plan with this application.

1. RANCH INFORMATION

Ranch Name: _____ Nearest City/Town: _____
Total acreage: _____ Direction from Town: _____
Majority County: _____ Miles from Town: _____
Additional Counties: _____ On Highway/Road: _____
Is This Ranch Surrounded by a High Fence? Yes No Circle One

2. RANCH OWNERSHIP INFORMATION

Owner Name: _____ Telephone: _____
Address: _____ Home: () _____
_____ Business: () _____
City, State, Zip: _____ Ranch: () _____

3. PASTURE INFORMATION (Complete this section if deer will be released into a specific pasture)

Pasture Name: _____
Pasture Acreage: _____
Location within Ranch: _____

Is This Pasture Surrounded by a High Fence? Yes No Circle One

4. HABITAT MANAGEMENT Identify which of the following treatments have been applied to the release site. For each treatment, identify the number of acres treated and the number of years the treatment was applied during the past 5 years.

Root Plow:	_____	acres	_____	Year(s)
Roller Chopper/Aerator:	_____	acres	_____	Year(s)
Prescribed Fire:	_____	acres	_____	Year(s)
Discing:	_____	acres	_____	Year(s)
Dozing/Chaining:	_____	acres	_____	Year(s)
Shredding:	_____	acres	_____	Year(s)
Herbicide:	_____	acres	_____	Year(s)
Cedar Control:	_____	acres	_____	Year(s)
Clearcutting/Seed Tree Cut:	_____	acres	_____	Year(s)
Timber Thinning:	_____	acres	_____	Year(s)
Water Development:	Number of Sites: _____		Describe: _____	

5. EXOTICS List species and numbers of exotic game animals present on this release site (Axis Deer, Sika Deer, Blackbuck Antelope, etc.) If no exotics are present, write "none".

(Release Site Information Form Continued on Reverse Side)

2003-2004 Release Site Information Form (Continued)

6. LIVESTOCK MANAGEMENT PRACTICES

Number of Livestock: Cattle: _____ Sheep: _____ Goats: _____

Other: _____ Describe: _____

Grazing System (circle one): Continuous _____ Deferred (includes rotational) _____

7. WHITE-TAILED DEER POPULATION MANAGEMENT AND SPECIAL PERMIT USE Complete the following information for the proposed release site for the last 3 years.

	Past Season Bucks	Past Season Does	2 Years Ago Bucks	2 Years Ago Does	3 Years Ago Bucks	3 Years Ago Does
Recommended Harvest:	_____	_____	_____	_____	_____	_____
Actual Recreational Harvest (includes MLDP & LAMPS):	_____	_____	_____	_____	_____	_____
Antlerless Deer Control Permits (Deer Removed):	_____	_____	_____	_____	_____	_____
Trap, Transport and Transplant Permits (Deer Removed):	_____	_____	_____	_____	_____	_____
Trap, Transport and Transplant Permits (Deer Released):	_____	_____	_____	_____	_____	_____
Scientific Breeder Permit (Deer Released):	_____	_____	_____	_____	_____	_____

8. CURRENT DEER POPULATION SUMMARY List information for the specific ranch where deer are to be released. If deer will be released into a specific pasture, list information for that pasture.

White-tailed deer density estimate: _____ acres per deer

Adult Sex Ratio: _____ does per buck

Fawn to Doe Ratio: _____ fawns per doe

When were these estimates obtained? (Specify Month and Year): _____

Circle the method(s) used to obtain the above estimate:

1. Spotlight Survey 2. Hahn Walking Line 3. Aerial Survey 4. Browse Survey 5. Mobile Survey

9. WHITE-TAILED DEER RELEASE INFORMATION Specify the number of deer to be released on this site: Total: _____ Bucks: _____ Does: _____

List the ranch (or ranches) and counties where deer are to be trapped. If these deer will be trapped on more than one ranch, list the number to be trapped on each ranch.

10. WILDLIFE MANAGEMENT PLAN A Texas Parks and Wildlife Department Wildlife Management Plan must be approved and on file for this release site to be processed.

Name of Individual who prepared plan: _____

Name of TPWD staff member who approved plan: _____

11. OPTIONAL FIELD APPROVAL This form can be approved by authorized TPWD Wildlife Division field staff, or it may be forwarded to Austin headquarters for processing. Field approval may decrease application processing time. I approve the release activities specified in this Release Site Form.

Field Staff Name: _____ Signature: _____

Title: _____ Date: _____

This is a one time release of less than a deer to 200 acres that does not require a release site inspection (i.e. inconsequential release): Yes ☐ No ☐

12. LANDOWNER/AGENT CERTIFICATION

By my signature, I certify that I am the landowner of the above described property or a specifically authorized agent for the landowner. I also certify that the above information is true and correct, and that I authorize the release of white-tailed deer onto the property described in this form. I understand that falsifying information on this form will be cause for permit denial or revocation. I also understand that white-tailed deer captured pursuant to Texas Parks and Wildlife Department Regulations may not be sold or bartered; and that I am responsible for activities conducted under the authority of the permit.

Signature: _____ Owner/Agent Date: _____



**TEXAS PARKS & WILDLIFE DEPARTMENT
TRAP & RELEASE SITE INFORMATION FORM
FOR LEVEL 3 MLD PERMIT HOLDERS
2003-2004**

(Supplement to Application for Trap, Transport, and Transplant Permit)

This form may only be used for ranches that have been issued Level 3 Managed Lands Deer Permits within the last three years, are in compliance with all provisions of their approved Wildlife Management Plan, and are requesting to trap and/or release does only. The number of does to be trapped cannot exceed the number of unused antlerless MLD permits from the 2003-2004 hunting season. The number of does to be released cannot cause the population on this property to exceed the population goal specified in your approved Wildlife Management Plan. In addition the total number of deer removed from this property (through harvest and/or trapping) cannot have reduced the population below 50% of recruitment (2003 fall fawn crop) below the population goal specified in your approved Wildlife Management Plan. If the trapping/release request for this property does not meet all of these specifications, you must use the regular Trap Site Form and/or Release Site Form.

INSTRUCTIONS A copy of this form must be completed for each ranch where white-tailed deer are to be released. If deer will be trapped from or released into a specific pasture within the ranch, pasture information (Section 3, below) **MUST** be provided. If deer will be trapped from or released into more than one pasture, a copy of this form must be submitted for each separate pasture. Completed forms must be submitted with the Trap, Transport, and Transplant Permit Application. This form may be approved, prior to submission, by authorized Wildlife Division Biologists and Technicians

1. RANCH INFORMATION

Ranch Name: _____ Nearest City/Town: _____

Total acreage: _____ Direction from Town: _____

Majority County: _____ Miles from Town: _____

Additional Counties: _____ On Highway/Road: _____

Is This Ranch Surrounded by a High Fence? Yes No Circle One

2. RANCH OWNERSHIP INFORMATION

Owner Name: _____

Telephone: _____

Address: _____

Home: () _____

Business: () _____

City, State, Zip: _____

Ranch: () _____

3. PASTURE INFORMATION (Complete this section if deer will be released into a specific pasture)

Pasture Name: _____

Pasture Acreage: _____

Location within Ranch: _____

Is This Pasture Surrounded by a High Fence? Yes No Circle One

4. WILDLIFE MANAGEMENT PLAN A Texas Parks and Wildlife Department Wildlife Management Plan must be approved and on file for this release site to be approved.

Name of Individual who prepared plan: _____

Name of TPWD staff member who approved plan: _____

(Trap/Release Site Information Form Continued on Reverse Side)



LANDOWNER REQUEST FOR TECHNICAL GUIDANCE



1. I hereby request technical assistance of the Texas Parks and Wildlife Department, Wildlife Division field staff, in my efforts to enhance habitat and manage wildlife populations on lands under my control.
2. Permission is granted to the Texas Parks and Wildlife Department, Wildlife Division field staff, to enter upon these lands and conduct, at a mutually agreeable time, wildlife and habitat inventories which may include the use of ground vehicles, aircraft, or nighttime spotlight counts to gather data necessary for the development of management recommendations.

Section 12.0251 of the Parks and Wildlife Code provides that information collected in response to a landowner request for technical guidance on private land relating to the specific location, species identification or quantity of any animal or plant life is confidential and may not be disclosed. The Department may release game census, harvest, habitat or program information if the information is summarized in a manner that prevents the identification of an individual or specific parcel of land and the landowner.

3. I understand that recommendations will be provided to me in the form of oral and/or written guidelines, which are non-binding and voluntary on my part. By my signature, I certify that I am the owner of the below-described property or that I have been specifically authorized by the landowner to act as their agent in this matter.

Signed: _____
Landowner or Authorized Agent Date

Name of Property: _____

County: _____ Acres: _____

City, State, Zip: _____

Phone Number(s): _____

Home: _____ Office: _____ Other: _____

Title V Compliance: The Texas Parks and Wildlife Department provides this service to land managers without discrimination in respect to race, color, national origin, age or handicap.

Texas Parks and Wildlife Department maintains the information collected through this form. With few exceptions, you are entitled to be informed about the information we collect. Under Sections 552.021 and 553.023 of the Texas Government Code, you are also entitled to receive and review the information. Under Section 559.004, you are also entitled to have this information corrected. For assistance call 512-389-4959.



PRESENTER: Jerry Cooke

COMMISSION AGENDA ITEM NO. 8

ACTION

**PERMITS TO TRAP, TRANSPORT, AND TRANSPLANT
GAME ANIMALS AND GAME BIRDS (TRIPLE T PERMITS)**

NOVEMBER 2002

I. DISCUSSION: Parks and Wildlife Code, Chapter 43, Subchapter E, requires the commission to adopt rules for the trapping, transport, and transplantation of game animals and game birds. At the August meeting the Commission authorized staff to publish proposed changes to the Triple T permit regulations. The proposed new section would suspend the issuance of permits authorizing the trap and transplant of white-tailed deer and mule deer until the department and the Texas Animal Health Commission are able to characterize the threat potential with respect to Chronic Wasting Disease that such releases would present to deer populations. The proposal appeared in the September 27, 2002, issue of the *Texas Register* (27 TexReg 9140). Staff will provide a summary of public comment concerning the proposal at the time of the meeting.

II. RECOMMENDATION: The staff recommends the Texas Parks and Wildlife Commission adopt the following motion:

"The Texas Parks and Wildlife Commission adopts 31 TAC §65.102, concerning Permits to Trap, Transport, and Transplant Game Animals and Game Birds, with changes to the proposed text as published in the September 27, 2002, issue of the *Texas Register* (27 TexReg 9140)."

Attachments - 2

1. Exhibit A – Proposed Rule (SEE BELOW)
2. Exhibit B – Fiscal Note (Available upon request)

EXHIBIT A

TRIPLE T PROCLAMATION

PROPOSED PREAMBLE

1. Introduction.

The Texas Parks and Wildlife Department proposes new §65.102, concerning Permits to Trap, Transport, and Transplant Game Animals and Game Birds (Triple T permits). The new section would narrow the effect of the subchapter by excluding white-tailed deer and mule deer from applicability. The new rule may be necessary because of concerns related to Chronic Wasting Disease (CWD), which has been detected in free-ranging deer populations in other states and Canada. Because CWD has not yet been exhaustively studied, the peculiarities of its transmission, infection rate, incubation period, and potential for transmission to other species are not definitively known. Although no deer have tested positive for CWD in Texas, the department cannot categorically

discount the presence of the disease in the state. Although the department acted in February to curtail the importation of deer into the state and has worked closely with the Texas Animal Health Commission to develop and implement monitoring protocols to detect the disease, at the commission's August meeting there was a prolonged discussion of the practice of trapping and transplanting deer and the potential for the spread of CWD by way of trapping and transplanting. In 2001, the department issued 95 Triple T permits, authorizing the transplantation of 4,348 deer. Any one of those deer conceivably could have been in contact with a CWD-positive deer prior to being trapped and transplanted and could thus be a vector for introducing the disease to additional areas of the state. Consequently, the commission directed staff to publish and seek public comment on a proposal to suspend issuance of Triple T permits.

2. Fiscal Note.

Robert Macdonald, regulations coordinator, has determined that for each of the first five years that the new section as proposed is in effect, there will be no fiscal implications to the department or other units of state or local government.

3. Public Benefit - Cost Note.

Mr. Macdonald also has determined that for each of the first five years the new section as proposed is in effect:

(A) The public benefit anticipated as a result of enforcing the rule as proposed will be the protection of native deer from communicable diseases, thus ensuring the public of continued enjoyment of the resource and the protection of the state's \$2.5 billion per year hunting industry.

(B) There will be economic costs to persons required to comply with the rule as proposed, and effects for small businesses or microbusinesses engaged in commercial trapping activities. Under 31 TAC §65.115, the department requires the disclosure of financial information related to trap and transplant activities. Of 95 persons permitted in 2001, the highest reported trap and transplant cost was \$577 per deer. The average cost per deer trapped and transplanted was \$204 and the median cost was \$162. The department concludes, based on the data submitted from the regulated community, that deer generally are and can be trapped and transplanted for somewhere between \$150 - \$200. These figures represent only the reported gross cost of trapping and transplanting. The department has no data from which to estimate the actual profit to those persons or businesses conducting trap and transplant activities.

Triple T permits can be issued to the owner or agent of the trap site, the owner or agent of the release site, or the person doing the trapping, but in most cases permits are acquired by the owner or authorized agent of the release site (the person who desires to obtain the deer), who then contracts with a trapper to capture and transport the deer. Department records indicate that the total number of deer trapped in 2001 was 4,348, and the largest number of deer trapped by a single individual in 2001 was 1,361. Using the average value of \$204 per deer trapped and the upper value of 1,361 deer trapped (by a single person) last year, the department estimates that the economic loss to the largest trapping business in the state, using 2001 data, would be \$277,644 gross dollars. This is the gross revenue lost by the individual or business, not the profit lost.

The department is unable to predict the demand for permits for current and subsequent years, but believes that the number of transplanted deer will not decrease, given that in the years since 1993 there have been only three years when less than 4,000 deer were moved. Therefore, using 4,000 as a rough baseline for demand, the total gross revenue loss if trapping were to be prohibited would be \$856,000 to the persons and businesses trapping and transplanting deer. Again, this is the total revenue that would be lost to those persons or businesses that trap and transplant deer. Net revenue cannot be determined at this time.

Additionally, any revenue associated with the marketing of hunting opportunity that is dependent upon trapped and transplanted animals would be lost as well. That figure also cannot be quantified at this time, but is a minuscule component of the state's estimated \$2.5 billion per year hunting industry.

(C) The department has not filed a local impact statement with the Texas Employment Commission as required by Government Code, §2001.022, as this agency has determined that the rules as proposed will not

impact local economies.

(D) The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed amendments and new section.

4. Request for Public Comments.

Comments on the proposed rule may be submitted to Jerry Cooke, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389- 4774 or 1-800-792-1112.

5. Statutory Authority.

The amendment is proposed under Parks and Wildlife Code, §43.061, which requires the commission to adopt rules for the content of wildlife stocking plans, certification of wildlife trappers, and the trapping, transporting, and transplanting of game animals and game birds under the subchapter, and §43.0611, which requires the commission to adopt rules for fees, applications, and activities, including limitations on the times of the activities, relating to permits for trapping, transporting, or transplanting white-tailed deer

The amendment affects Parks and Wildlife Code, Chapters 43, Subchapter E.

§65.102. Limitation of Applicability. Until this section is repealed, no permits to trap, transport, and transplant white-tailed deer or mule deer shall be issued by the department.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on

Please send comments, suggestions, or questions to:

TEXAS PARKS & WILDLIFE
4200 SMITH SCHOOL RD. AUSTIN, TX 78744

or click on the address to send an E-mail message.

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